

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

LAKESIDE ROOFING COMPANY, et al.,	)	
	)	
Plaintiff(s),	)	
	)	
vs.	)	Case No. 4:10CV1761 JCH
	)	
JEREMIAH M. NIXON, et al.,	)	
	)	
Defendant(s).	)	

**AMENDED JUDGMENT**

In accordance with the Memorandum and Order entered on March 5, 2012, and incorporated herein,

**IT IS HEREBY ORDERED, ADJUDGED and DECREED** that Plaintiffs' Motion for Summary Judgment is **GRANTED** in part, and judgment is granted in favor of Plaintiffs as to Plaintiffs' Privileges and Immunities Clause and Equal Protection Clause claims in Count I and Count III of Plaintiffs' Second Amended Complaint.

Because the Missouri Excessive Unemployment Law (the "Law") found at sections 290.550 through 290.580 of the Missouri Revised Statutes violates the Privileges and Immunities Clause of the United States Constitution and the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution, the Court finds and concludes that a permanent injunction should be entered enjoining Defendants and those acting on behalf of any one or more of Defendants from attempting to further enforce the Law.

**IT IS FURTHER ORDERED** that Defendants and their respective officers, agents and employees, and each of them, are hereby immediately and permanently enjoined and restrained from taking any action or steps in an effort to prevent or bar any construction worker who is a resident of

the State of Illinois or a resident of any other “restrictive state” as identified below from performing any construction-related activities on a public works project in the State of Missouri, as the term “public works” is defined below, on the basis of the residency of the construction worker. That is, Defendants and their respective officers, agents and employees, shall not utilize a construction worker’s residency in any investigation or proceeding affecting whether that worker may perform construction work on a “public works” project in Missouri.

**IT IS FURTHER ORDERED** that Defendants and their respective officers, agents and employees, and each of them, are hereby immediately and permanently enjoined and restrained from taking any action or steps in an effort to prevent or bar any contractor or subcontractor from working on a “public works” project in Missouri on the basis that the contractor or subcontractor employs one or more construction workers who reside in Illinois or who reside in any other restrictive state.

**IT IS FURTHER ORDERED** that Defendants and their respective officers, agents and employees, and each of them, are hereby immediately and permanently enjoined and restrained from taking any action or steps in an effort to commence legal proceedings to seek to enforce a fine or to seek other relief against any person because that person permitted one or more construction workers who reside in Illinois or who reside in any other restrictive state to work on a “public works” project in Missouri.

The restrictive states (including United States territories), in addition to the State of Illinois, consist of the following: Alaska, Arizona, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Idaho, Iowa, Maine, Massachusetts, Mississippi, Montana, Nevada, New Jersey, North Dakota, South Dakota, U.S. Virgin Islands, West Virginia, and Wyoming. Pursuant to Missouri Revised Statutes section 290.550 and 290.210, a “public works” is defined as “all fixed works constructed for public use or benefit or paid for wholly or in part out of public funds. It also

includes any work done directly by any public utility company when performed by it pursuant to the order of the public service commission or other public authority whether or not it be done under public supervision or direction or paid for wholly or in part out of public funds when let to contract by said utility. It does not include any work done for or by any drainage or levee district.”

Dated this 4th day of April, 2012.

/s/Jean C. Hamilton  
UNITED STATES DISTRICT JUDGE